

**Enrolled Minutes of the Seventy-fourth Regular or Special Meeting  
Of the Twenty-Sixth Highland Town Council  
Regular Meeting  
Monday, January 3, 2011**

*Study Session.* The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, January 3, 2011 at 6:30 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

*Silent Roll Call:* Councilors Bernie Zemen, Dan Vassar, Konnie Kuiper, Brian Novak, and Mark Herak were present. The Deputy Clerk-Treasurer, Katy Dowling was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the agenda of the imminent meeting.

The study session ended at 6:50 O'clock p.m.

*Regular Meeting.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, January 3, 2011 at 7:00 O'clock p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Mark A. Herak presided and the Town Deputy Clerk-Treasurer, Katy Dowling, was present to memorialize the proceedings.

The session was opened with Councilor Bernie Zemen leading the pledge of allegiance to the United States Flag and offering a prayer.

**Roll Call:** Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Konnie Kuiper and Brian Novak were present. The Deputy Clerk-Treasurer, Katy Dowling was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; Alex M. Brown, CPRP, Parks and Recreation Superintendent; William Timmer, Fire Chief; and Cecile Petro, Redevelopment Director were also present.

*Also present:* Dennis Adams of the Metropolitan Police Commission was present.

**Minutes of the Previous Sessions**

The minutes of the regular meeting of December 20, 2010 and the special meetings of December 27, 2010 and December 30, 2010 were approved by general consent.

At this time, Councilor Herak thanked the other members for allowing him to serve. Councilor Herak highlighted the accomplishments and adversity of 2010. He thanked all town staff for their hard work throughout the year.

**Special Orders:**

1. **Election of the Town Council President:** Councilor Vassar made a motion to nominate Councilor Brian Novak as Town Council President for 2011. The motion was seconded by Councilor Kuiper. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Councilor Novak was appointed as Town Council President for 2011.

At this time, Councilor Herak turned the meeting over to Council President Novak.

Council President Novak thanked Councilor Herak for his leadership and stated that he is looking forward to working with the Town staff, residents and hopes to act in the best interest of the community.

2. **Election of the Town Council Vice President:** Councilor Herak made a motion to nominate Councilor Konnie Kuiper as Town Council Vice President for 2011. The motion was seconded by Councilor Zemen. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Councilor Kuiper was appointed as Town Council Vice President for 2011.

#### **Unfinished Business and General Orders:**

1. **Works Board Order No. 2011-01:** An Order Approving the First and Second Addendums to the Contract related to the Idlewild Reconstruction Project.

A motion was made by Councilor Herak for the passage and adoption of Works Board Order No. 2011-01. It was seconded by Councilor Kuiper. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The works board order was adopted.

#### **The Town of Highland Order of the Works Board No. 2011-01**

##### **An Order Authorizing and Approving the First and Second Change Orders to the Construction Contract related to the Idlewild Avenue Reconstruction Project, all Pursuant to I.C. 36-1-12-18**

**Whereas**, the Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for street reconstruction and other improvements in the public roadway of Idlewild Avenue, with the project commonly known as the Idlewild Avenue Reconstruction Project; and

**Whereas**, The Town Council has heretofore awarded a contract to Walsh & Kelly, Incorporated for the Project on August 16, 2010 in the amount of Five Hundred Seventy-six Thousand Thirty-one Dollars and 75/100 Cents (\$576,031.75); and

**Whereas**, during the course of construction of the Project, it has become necessary to change or alter the original specifications of the project; and

**Whereas**, Garcia Consulting, a licensed engineer performing construction engineering services on this project, at the request of the Town, through the Public Works Director, has specifically identified and presented a description of such changes as two (2) proposed addenda to the original construction contract with Walsh & Kelly, Incorporated, particularly in support of costs associated with several bid items, which has a net effect of decreasing the contract cost; and

**Whereas**, the Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described.

**Now Therefore Be it hereby Ordered** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1.** That Change Order No. 1 and Change Order No. 2 for the Idlewild Avenue Reconstruction Project, as prepared by Garcia Consulting, a licensed professional engineer performing construction engineering services on the Project, is hereby approved and authorized in each and every respect;

**Section 2.** That this first addendum is hereby ordered to be known as Change Order No. 1, issued to increase the net cost to the original agreement between the Town of Highland and Walsh & Kelly, Incorporated in the amount of

Six Thousand Eight Hundred Forty-four Dollars and 50/100 Cents (\$6,844.50) and that this second addendum is hereby ordered to be known as Change Order No. 2, issued to decrease the net cost to the original agreement between the Town of Highland and Walsh & Kelly, Incorporated in the amount of Eight Thousand Eight Hundred Fifty-two Dollars and 20/100 Cents (\$8,852.20) bringing the total value of the entire agreement with any and all change orders approved to date to Five Hundred Seventy-four Thousand Twenty-four Dollars and 5/100 Cents (\$574,024.05);

**Section 3.** That as any additional units of materials included in the original contract become needed, the costs of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

**Section 4.** That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original contract being Five Hundred Seventy-six Thousand Thirty-one Dollars and 75/100 Cents (\$576,031.75) which may not exceed Six Hundred Ninety-one Thousand Two Hundred Thirty-eight Dollars and 10/100 Cents (\$691,238.10), all pursuant to IC 36-1-12-18(d);

**Section 5.** That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

**Be it So Ordered**

**Duly Passed and Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 3<sup>rd</sup> day of January, 2011 having passed by a vote of 5 in favor and 0 opposed.

**Town Council of the Town of  
Highland, Indiana**

Brian Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Resolution No. 2011-01:** A RESOLUTION of the FISCAL BODY of the TOWN of HIGHLAND APPROVING and FIXING the OFFICIAL CHARGES or FEES for INFORMATION and COMMUNICATION TECHNOLOGY SERVICES PROVIDED BY THE MUNICIPALITY TO ITS EXECUTIVE DEPARTMENTS and OFFICES and ACCOUNTED in the INFORMATION and COMMUNICATION TECHNOLOGY FUND.

Councilor Herak moved and Councilor Vassar seconded the passage and adoption of Resolution No. 2011-01. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND  
Town Council Resolution No. 2011-01**

**A RESOLUTION OF THE FISCAL BODY OF THE TOWN OF HIGHLAND APPROVING AND FIXING THE OFFICIAL CHARGES OR FEES FOR INFORMATION AND COMMUNICATION TECHNOLOGY SERVICES PROVIDED BY THE MUNICIPALITY TO ITS EXECUTIVE DEPARTMENTS AND OFFICES AND ACCOUNTED IN THE INFORMATION AND COMMUNICATION TECHNOLOGY FUND**

**WHEREAS,** The Town Council of the Town of Highland serves as both the legislative and fiscal body of the municipality, all pursuant to I.C. 36-1-2-6, I.C.36-1-1-2-9 and I.C. 36-5-2-2;

**WHEREAS,** IC 36-1-3-2 and IC 36-1-3-6(b)(1) confer upon local units of government the powers that they need for the effective operation of government as to local affairs and prescribe the manner and form of enactment for any such exercise of power;

**WHEREAS,** The Highland Town Council did adopt and establish an Information and Communication Technology Fund, by adoption of Ordinance No. 1323, amending the Highland Municipal Code by adding a new section § 31.08, which provides for an internal service fund as an accounting entity to which the resources and costs associated with providing information and communication technology services to the municipality will be accounted; and,

**WHEREAS,** Section § 31.08 (F) (1) particularly provides that resources or revenue for these services supported by the internal service fund may consist of "(i)nterdepartmental charges, contributions, cost shares or assessments levied against

*funds or departments of the municipality to support the lawful purposes and budget of the Information and Communication Technology Fund;"*

**WHEREAS**, Section § 31.08 (F) (1) (a) still further provides that the "charges and rates shall be developed and recommended by the proper officers of the municipality and fixed and approved by the Town Council;"

**WHEREAS**, The proper officers of the municipality have developed and now recommend charges and rates for **FY 2011** to support the costs associated with the provision of information and communication technology services to the municipality and its several executive departments and utilities; and,

**WHEREAS**, The Town Council now desires to fix and adopt the charges and rates as recommended,

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the proper officer(s) of the municipality have developed and now recommend the following annual charge for services for the fiscal year **2011** as follows:

(a) For information and communication technology services provided to the several departments repositied in the **Corporation General Fund, the annual charge is allocated at 25% of costs or \$44,495.00;**

(b) For information and communication technology services provided to the department repositied in the **Park and Recreation Fund, the annual charge is allocated at 20% of costs or \$35,596.00;**

(c) For information and communication technology services provided to the department repositied in the **Redevelopment General Fund, the annual charge is allocated at 5% of costs or \$8,889.00;**

(d) For information and communication technology services provided to the Waterworks Utility, **the annual charge is allocated at 25% of costs or \$44,495.00;**

(e) For information and communication technology services provided to the Wastewater/Stormwater Utility, **the annual charge is allocated at 25% of costs or \$44,495.00;**

**Section 2.** That the Town Council hereby finds and determines that the rates and charges as recommended are consistent with IC 36-1-3-8(a)(6), calculated to include reasonable costs associated with those purposes outlined in Section §31.08 (D) of the Highland Municipal Code;

**Section 3.** That the Town Council hereby now fixes and approves the annual rates and charges as set forth herein, and authorizes the municipal fiscal officer to take such lawful measures to charge and collect the fees herein, either as a single lump sum fee or collected periodically until fully collected, and then to deposit these charges into the **Information and Communication Technology Fund;**

**DULY RESOLVED and ADOPTED** this 3<sup>rd</sup> Day of January 2011, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian Novak, President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer

3. Approval of allowing part of the Study Session of Monday, January 10, 2011 to be convened as a special meeting in order to permit action on Accounts Payable Vouchers.

Councilor Zemen moved to authorize a special meeting for the purpose of considering and acting upon the accounts payable vouchers and any such business that the Council may deem necessary or desirable, for January 10, 2011 at 7:00 p.m. With the regularly called study session to convene immediately following the special meeting. The motion was seconded by Councilor Herak. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed.

4. Authorize the proper officer to cause legal notice to be published for proposed additional appropriations in **Municipal Cumulative Street Fund** in the amount of **\$25,000**, to support preliminary design and engineering of the Opticom Traffic Control System and in the **General Improvement Fund** in the amount of **\$38,599 + \$3,000** for work associated with the Idlewild Avenue sidewalks and curbs and for the cost of recording and release of liens in consequent of general improvement districts. Also, the **Innkeeper Tax Fund** for Visitors and Economic Development in the amount of **\$5,700**.

Councilor Vassar moved to authorize the proper officer to cause legal notices to be published for the additional appropriations in the Municipal Cumulative Street Fund, General Improvement Fund, and the Innkeeper Tax Fund. Councilor Kuiper seconded the motion. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The legal notice was authorized.

5. Authorize and ratify action to cause legal notice of a Public Hearing to be published related to a proposed exchange of real estate between the Town of Highland and Daniel J. Spoljoric, with the Town property appraised at \$5,900 and the Spoljoric property appraised at \$5,500, in support of management of the water table, pursuant to IC 5-3-1 and IC 36-1-11-4(c).

Councilor Herak moved to authorize and ratify action to cause legal notices to be published for the proposed real estate exchange between the Town of Highland and Daniel J. Spoljoric. Councilor Vassar seconded the motion. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The publication was ratified and authorized.

Action to approve pay for an employee at a higher than starting pay for the range of the position, pursuant to Section 2 (a) of Ordinance No. 1375 the Wage and Salary Ordinance, as amended.

*6.1 The Public Works Director requests favorable action for D. Pizzuto, a part-time laborer, for which the pay range is \$7.25 to \$11, to be approved at the starting rate of \$10.00.*

Councilor Zemen moved to approve pay for an employee at a rate higher than starting pay for the range of the position. Councilor Kuiper seconded the motion. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The higher rate of pay was authorized.

#### **New Business:**

Councilor Novak indicated that all Town Council member committee liaison assignments for 2010 would remain in place for 2011. Those assignments are as follows:

Brian Novak	Town Executive (I.C. 36-1-2-5-(4);I.C. 36-5-2-2;I.C. 36-5-2-7) Board of Trustees of the Police Pension Fund, Chair Advisory Board of Zoning Appeals, Liaison
Bernie Zemen	Town Board of Metropolitan Police Commissioners, Liaison Park and Recreation Board, Liaison Chamber of Commerce, Liaison President's designee, Centennial Commission Redevelopment Commission, Liaison

Mark Herak	Budget Committee Chair Board of Sanitary Commissioners, Liaison Board of Waterworks Directors, Liaison Community Events Commission, Liaison.
Konnie Kuiper	Fire Department, Liaison
Michael W. Griffin Clerk-Treasurer	CATV Committee/Gaming Consortium Representative

**Comments from the Town Council Members**  
**(For the Good of the Order)**

- **Councilor Bernie Zemen:** • *Park and Recreation Board Liaison • Town Board of Metropolitan Police Commissioners • Lake County Solid Waste Management District Board of Directors • President's designee to Chair the Select Centennial Commission • Chamber of Commerce, Liaison • Redevelopment Commission Liaison.*

Councilor Zemen expressed New Year sentiments to all and welcomed Council President Novak.

Councilor Zemen further commended the New Year's Eve fireworks display.

- **Councilor Mark Herak:** • *Budget Committee Chair • Board of Sanitary Commissioners, Liaison • Board of Waterworks Directors, Liaison • Community Events Commission, Liaison.*

Councilor Herak recognized the Public Works Director, who then offered a brief summary of matters related to minor flooding issues that took place over the weekend break.

Councilor Herak discussed the alignment of revenues and expenses for the fiscal year 2011.

- **Councilor Dan Vassar:** • *Plan Commission member.*

Councilor Vassar also expressed congratulations to Councilor Novak and Councilor Kuiper. Councilor Vassar also expressed thanks to Councilor Herak for his leadership during his time as President.

Councilor Vassar recognized Ken Mika who advised that the Plan Commission currently has 4 items on its agenda.

Councilor Vassar commended Public Works Director John Bach for his response to minor flooding issues over the weekend break.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison.*

Councilor Kuiper recognized the Fire Chief who commented on false reports that the Little Calumet River was in flood stage. The Fire Chief stated that the river is well below flood stage levels.

- **Councilor Brian Novak:** • *Town Executive • Board of Police Pension Fund Trustees Chairman • Advisory Board of Zoning Appeals, Liaison • Traffic Safety Commission Member.*

Councilor Novak reported a Traffic Safety Meeting on Wednesday, January 5, 2011.

Councilor Novak recognized the Building Inspector who commented that the BZA does not currently have any major issues on its agenda. Councilor Novak recognized the Redevelopment Director who commented that the Town has several business projects being considered.

Councilor Novak recognized the Public Works Director who discussed a change in IDEM rules that no longer allows electronics to be disposed of with regular trash and deposited in a landfill. Mr. Bach discussed several alternatives available to residents.

Councilor Novak thanked both his wife and father-in-law for supporting him at the Town Council meeting.

**Comments from the Public or Visitors**

No comments.

**Adjournment.** Councilor Zemen moved that the regular meeting be adjourned. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The regular Town Council meeting of **Monday, January 3, 2011** was adjourned at 7:29 O'clock p.m. There was no study session following the plenary session.

Katy Dowling  
Deputy Clerk-Treasurer